

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**WESTERN-SOUTHERN LIFE  
ASSURANCE COMPANY,**

**Plaintiff,**

**v.**

**DAVID B. POWERS, CLARENCE L.  
McCAY, NANCY EDWARDS AND  
VERONICA BELAVICH, et al.,**

**Defendants.**

**Case No. 08-cv-426-DRH**

**ORDER**

**HERNDON, Chief Judge:**

On November 23, 2009 the Court entered its Order re Final Decree of Interpleader (Doc. 71) granting the Motion for Entry of Final Decree of Interpleader (Doc. 65) and granting the Motion for Order Authorizing and Directing the Clerk to Deposit Sums Paid by Plaintiff into an Interest-Bearing Account. On or about December 16, 2009, plaintiff Western-Southern Life Assurance Company delivered to the Clerk two checks which total \$94,527.84, and that sum was deposited into an interest-bearing account pursuant to the Final Decree of Interpleader. In due course, at a Settlement Conference on March 18, 2010, the Defendants reached an agreement (Doc. 80). The Court has reviewed the settlement agreement and finds the settlement agreement to be fair and reasonable under the circumstances.

Accordingly, it is hereby ordered, adjudged and decreed that the Clerk shall make the following payments from the funds deposited with the Court in accordance with the Final Decree of Interpleader:

- 1) The amount of \$3,000.00 shall be paid to defendant Clarence McCay and Brian P. McGarry, his attorney;
- 2) The amount of \$3,000.00 shall be paid to defendant Nancy Edwards and Andrew W. Wilson, her attorney;
- 3) An amount equal to twenty-five percent (25%) of the remainder shall be paid to defendant David B. Powers and Rex G. Burke, his attorney; and
- 4) The remainder shall be paid to defendant Veronica Belavich and Martin L. Perron, her attorney.

Lastly, pursuant to the Court's Administrative Order #4, the Clerk of the Court is entitled to retain ten percent (10%) of the interest earned on the deposited funds.

**IT IS SO ORDERED:**

Signed this 4th day of May, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**